

REMARKS

In response to the Office Action dated June 2, 2005, Applicants respectfully request reconsideration based on the above amendments and following remarks. In the claim amendments, claims 1, 3, 9, 20, 22, 24, 42, 44, and 46 have been amended. Paragraph [0046] on page 21 of the specification, for example, discusses features of independent claims 1, 20, and 42. No new matter has been added by the amendments. Applicants respectfully submit that the claims as presented are in condition for allowance.

Claims 1-9, 11-28, 30-50, and 52-63 stand rejected under 35 U.S.C. § 103(a) as being anticipated by Xue et al., U.S. Patent No. 6,782,414 (hereinafter "Xue") in view of Sansone et al., U.S. Patent No. 6,865,560 (hereinafter "Sansone"). This rejection is traversed for the following reasons.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art; and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970).

Independent claim 1 recites a method for providing a status notification for a message in a communications network comprising: assigning a message identifier for said message; receiving a destination identifier for communicating said status notification; and associating said destination identifier with said message; wherein said destination identifier comprises an address identifier indicating an address to which said status notification is to be sent, said address identifier indicating an address different than an originating address for said message, and a format identifier identifying a format for said status notification, wherein the method further comprises: determining whether accessing of said message constitutes a triggering event; and creating said status notification when said accessing of said message constitutes said triggering event. The method in claim 1 creates the status notification when the access of the message is the triggering event.

In contrast, Col. 12, lines 40-42 of Xue teach that overall delivery status indicators 828-832 allow the use to quickly determine whether or not a message has been successfully delivered to all intended recipients. Col. 12, lines 42-45 of Xue also teach that in this example, message 822 has failure indicator 828, message 824 has pending indicator 830, and message 826 has success indicator. Therefore, the delivery status indicators disclosed in Xue are created regardless of determining whether or not the access of the message constitutes a trigger event. Accordingly, Xue fails to teach or suggest the elements "determining whether accessing of said message constitutes a triggering event; and creating said status notification when said accessing of said message constitutes said triggering event", as recited in independent claim 1.

The system for delivering confirmation service to a user/mailler/sender for specified destination address disclosed in Sansone does not cure the deficiency of Xue, because Sansone fails to teach or suggest the element "determining whether accessing of said message constitutes a triggering event; and creating said status notification when said accessing of said message constitutes said triggering event", as recited in independent claim 1. Therefore, the combination of Xue and Sansone does not render claim 1 obvious because it fails to teach or suggest all elements of independent claim 1. Claims 2-9 and 11-19 variously depend from claim 1 and are patentable over the combination of Xue and Sansone for at least the reasons advanced with reference to independent claim 1.

Independent claims 20 and 42, as amended, recite features similar to those discussed above with reference to independent claim 1 and are patentable over the combination of Xue and Sansone for at least the reasons advanced with reference to independent claim 1. Claims 21-28 and 31-41 variously depend from independent claim 20 and are patentable over the combination of Xue and Sansone for at least the reasons advanced with reference to independent claim 20. Claims 43-50 and 52-63 variously depend from independent claim 42 and are patentable over the combination of Xue and Sansone for at least the reasons advanced with reference to independent claim 42.

In view of the foregoing remarks and amendments, Applicants submit that the above-identified application is now in condition for allowance. Early notification to this effect is respectfully requested.

If there are any charges with respect to this response or otherwise, please charge them to Deposit Account 06-1130.

Respectfully submitted,

By: 

David A. Fox
Registration No. 38,807
CANTOR COLBURN LLP
55 Griffin Road South
Bloomfield, CT 06002
Telephone (860) 286-2929
Facsimile (860) 286-0115
Customer No. 36192

Date: September 2, 2005